

1 And I would put it into the Your Legal
2 Rights section, so -- and the purpose was of putting
3 it in that binder up front in the station near the
4 front entrance there was that if somebody called in
5 and wanted to know who had been on Chuck Finney's show
6 the previous night, we'd be able to go and refer to
7 that.

8 Q I want to refer you to Enforcement Bureau
9 Exhibit 2, specifically page 5. Have you finished
10 reviewing the document?

11 A Page 5?

12 Q Yes, sir. Now, you've seen -- and do you
13 recognize that document?

14 A This is similar to the kind of document
15 that I described that Chuck would provide. He would
16 provide a number of them to us. But this -- I would
17 come to work on -- his show was on Wednesday nights,
18 and on Thursday morning there would be, oh, seven or
19 eight of these, generally print -- he would always do
20 them on yellow paper. And I would take one and put it
21 in that binder at the front of the station for program
22 information in case somebody would -- was requesting

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1 information about the show.

2 Q What did you do with the other copies?

3 A The other copies, Chuck had asked us to
4 make copies of his show, and I believe currently and
5 to this day we're making copies of the show for other
6 radio stations, and we used to make them on -- take --
7 we'd record his show as it was airing live on
8 Wednesday nights, and then we would take that tape and
9 make duplicates on our tape dubber.

10 Now we do it on CDs. And we would send it
11 to other radio stations in California along with a
12 copy of the rundown, of the program information.

13 Q I want to direct your attention to
14 Enforcement Bureau Exhibit 44. Pages 116 and 117.
15 And for purpose of understanding where I'm coming from
16 with my question, pages 116 and 117 appear in the
17 section of KALW documents labeled Summer 1993.

18 A Okay.

19 Q Now, first of all, you'll note that the
20 first column of page 116, the first date noted is
21 6/9/93. Do you see that?

22 A Yes, I do.

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1 Q Then when you go to page 117, the last
2 date noted, would be the bottom left hand portion of
3 the page, is noted is 9/22/93. Do you see that?

4 A Yes.

5 Q You also see that the page numbers that
6 appear to be printed on the page at the bottom center,
7 there's a number 4 for page 116 and then a number 5
8 for page 117?

9 A Yes. I see that.

10 Q Now, I also want to direct your attention
11 to EB Exhibit 44, pages 94 and 95 and 105 and 106.
12 And again, in terms of understanding timing, the pages
13 94 and 95 appear in the Winter 1993 portion and the --
14 and pages 104 and 105 appear in the Spring 1993
15 portion.

16 A Okay.

17 Q You've completed your review?

18 A Yes. I have.

19 Q Now, in terms of page 94, it has at the
20 top Your Legal Rights Topics and Guests, and the first
21 date that appears is 1/6/93, and that's EB Exhibit 44,
22 page 94. The following page, the first date noted is

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1 2/24/93, and the concluding date noted is 4/14/93, and
2 at the bottom center of that page a number 2 appears.

3 A Yes.

4 Q Do you see that?

5 A Yes.

6 Q Then when you go to EB Exhibit 44, pages
7 104 and 105, you will note that page 104 is a
8 duplicate of page 95. Do you see that?

9 A I'm sorry, which one is a duplicate of
10 what, now?

11 Q EB Exhibit 44 pages 95 and 104.

12 A Okay.

13 Q Finally, I'd like to draw your attention
14 to EB Exhibit 44, pages 130 and 131, which appear in
15 the Fall 1993 portion.

16 MR. DUNCAN: I'm sorry, what numbers?

17 MR. SHOOK: 130 and 131.

18 THE WITNESS: All right.

19 BY MR. SHOOK:

20 Q Now, with respect to EB 44 pages 130 and
21 131, I take it that you noted that in the bottom
22 center of each of those pages there's a number 6 for

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1 page 130 and a number 7 for page 131.

2 A Yes, I see those.

3 Q Do you have any understanding as to
4 whether or not you received a 7-page document from Mr.
5 Finney that covered the Your Legal Rights programs for
6 the year 1993?

7 A I don't recall getting, I mean, the 7-page
8 document from Chuck Finney, that I don't recall
9 getting from him.

10 Q What, if anything, do you recall getting
11 from him that would be -- that would concern the Your
12 Legal Rights programs that were aired in 1993?

13 A For -- again, the only thing that I recall
14 getting from Chuck Finney that was given to me was the
15 daily -- was the program information sheet that I
16 saved one copy of and put up in the front binder.

17 Q Do you have any knowledge whatsoever as to
18 how EB Exhibit 44, pages 94, 95, 105, 106, 116, 117,
19 130 and 131 were created?

20 A How they were created or when they were
21 created?

22 Q Well, both.

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1 A Oh, okay. I don't know how they were
2 created or when. I don't have any recollection of
3 that.

4 Q Do you have any knowledge as to how these
5 documents found their way into the station's Public
6 File in the various orders that we have noted here,
7 beginning in the winter of '93 and extending through
8 the fall of '93?

9 A In 2001's, when we actually made those
10 folders up for each quarter -- I don't recall
11 specifically which pieces of paper we had to put into
12 quarters.

13 We put into -- like I -- as I said
14 previously, we put into folders, we examined papers,
15 that we did find there, and then we put them into the
16 folders that it looked like they belonged in. And so
17 we would've -- if we had found these -- these were
18 some of the papers we had found, we would have put
19 them in the appropriate folder for '93.

20 MR. SHOOK: Your Honor, if I may, I'd to
21 utilize a procedure similar to one that we used just
22 a little while ago for other documents.

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1 JUDGE SIPPEL: Any objection?

2 MR. SHOOK: I think we should have Mr.
3 Helgeson leave the room first, and then we can talk
4 about this.

5 All right, there are similar documents in
6 EB Exhibit 44. We just went through a 7-page, or at
7 least in terms of how they were noted at the bottom,
8 1 through 7, that covered the year 1993.

9 MR. PRICE: Can I just ask a question?
10 Are we not referring to the page 8 of the document
11 with respect to page 132?

12 MR. SHOOK: We could add that in.

13 MR. PRICE: I just didn't know if you were
14 --

15 MR. SHOOK: No. That was unintentional.
16 But as far as that goes, with that, with that caveat,
17 that there was an 8th page for 1993. There appear to
18 be similar documents for the years 1994 and in that
19 case it is an eight-page document that appears at
20 pages 145 and 146, 159 and 160, 175 and 176, and 188
21 through 190. Then likewise for the year 1995 --

22 MR. PRICE: Can I just ask for that first

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1 page again, please?

2 MR. SHOOK: Sure.

3 MR. PRICE: You said it was 145, is that
4 correct?

5 MR. SHOOK: Yes.

6 MR. PRICE: And 1995?

7 MR. SHOOK: Right. Moving to 1995, that
8 would be EB Exhibit 44, pages 202 through 204, 216 to
9 218, 229 to 231?

10 JUDGE SIPPEL: 239?

11 MR. SHOOK: 229.

12 JUDGE SIPPEL: I'm sorry.

13 MR. SHOOK: To 231. And 242 to 244. This
14 would be for the year 1995. Now, I could go through
15 the same exercise that I did with Mr. Helgeson for the
16 1994 and 1995 years, but I expect that I'd be getting
17 the same testimony.

18 MR. PRICE: What do you propose as a
19 stipulation on this, just so we're clear on it?

20 MR. SHOOK: That what he testified with
21 respect to the 1993 document would be same document,
22 would be the same testimony that would appear for the

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1 '94 and '95 documents.

2 MR. PRICE: Just for the record, declare
3 what that is.

4 MR. SHOOK: Well, basically it is that he
5 really doesn't know when these documents were created.
6 He doesn't know who gave them to the station. He
7 doesn't know when they were given to the station. He
8 may have found them in the Public File when he looked
9 in 2001 and apparently he separated, or somebody
10 separated the pages at that point to put them in the
11 proper quarters.

12 MR. PRICE: I think his language with
13 respect to what he may have done in 2001 was a little
14 clearer than that, but other than that --

15 MR. SHOOK: Well, in that case, I mean,
16 I'm just reciting from memory. It's whatever it was
17 he testified.

18 MR. PRICE: Whatever it was that he
19 testified is true for year '93 programming, I have no
20 problem with stipulating the same for '94 and '95.

21 JUDGE SIPPEL: That's your stipulation.

22 MR. SHOOK: Yes.

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1 JUDGE SIPPEL: Okay. It's accepted. Can
2 we get Mr. Helgeson back on the stand?

3 MR. SHOOK: Yes. The record doesn't
4 reflect my head nodding.

5 JUDGE SIPPEL: You've been hard at work.
6 Okay, Mr. Helgeson, please sit down again. Again,
7 you're under oath, and it was the -- your reason for
8 excusing you was the same reason as I had explained
9 before, only these are with respect to the 1994 and
10 1995 documents that you testified to in Exhibit 44.

11 MR. DUNCAN: They were similar documents.
12 We've just gone through a discussion about the
13 document -- the 1993 document and how it was put into
14 the different -- there are similar documents for '94
15 and '95, and the stipulation is that your answer would
16 be the same with respect to those.

17 JUDGE SIPPEL: All right? Okay. You may
18 proceed, then, Mr. Shook.

19 MR. SHOOK: Thank you.

20 BY MR. SHOOK:

21 Q Mr. Helgeson, did there come a time when
22 you became aware that Mr. Ramirez had filled out an

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1 application to have KALW's license removed?

2 A In 1997, I was aware that Jeff was working
3 on preparing the document, collecting whatever data
4 for the license renewal.

5 Q Did there come a time when you became
6 aware that Mr. Ramirez, in the course of filling out
7 the application form, checked a box that affirmed that
8 the station during the 1990-1997 license term had
9 placed in its Public Inspection File at the
10 appropriate times the documentation required by 47 CFR
11 Section 7335.26 and 7335.27?

12 A I would have to say that I never reviewed
13 the license renewal documents that Jeff prepared
14 before he sent them in.

15 Q Did there come a time after he sent them
16 in that you became aware?

17 A That I became aware that he had checked --

18 Q The "yes" box for the question that I had
19 just asked.

20 A No, I never reviewed the document --
21 reviewed that FCC renewal document after he sent it
22 in.

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1 Q That's a little more precise than I think
2 my question was. My question was, did there come a
3 time when you became aware that Mr. Ramirez had
4 checked the box "yes" in response to the renewal
5 application question as to whether the station had put
6 in its Public Inspection File at the appropriate times
7 the documentation required by the two Public File
8 rules?

9 A After the time Golden Gate Public Radio
10 made its challenge to the license, I know from talking
11 to Jeff about that challenge that one of the -- one of
12 the points that they were -- one of their points of
13 their challenge was that the Public Inspection File
14 was not, didn't have documents that it should have --
15 that he had certified were there.

16 Q Did you ever tell Mr. Ramirez one way or
17 the other what your opinion was as to the
18 appropriateness of his having checked the "yes" box?

19 A As -- before he had submitted that
20 document for the license renewal I had never checked,
21 gone through the FCC public information file myself,
22 so I had no -- I had no way of thinking that he had

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1 done it incorrectly.

2 Q Well, that wasn't exactly the question
3 that I asked.

4 A Oh, I'm sorry. The question was --

5 Q After you became aware that Mr. Ramirez
6 had checked the "yes" box to that FCC application
7 question, did you express to him any opinion as to
8 whether or not what he did was right?

9 MR. DUNCAN: Objection as to foundation
10 and characterization of what his testimony was about
11 the checking the "yes" box.

12 JUDGE SIPPEL: Well, I think that's pretty
13 well established in the record.

14 MR. DUNCAN: That the "yes" box was
15 checked, or what Mr. Helgeson's response was when
16 asked about checking the "yes" box?

17 JUDGE SIPPEL: That the box was checked.

18 MR. SHOOK: There's no question that the
19 box was checked, it's a matter of whether Mr. Helgeson
20 (a) knew that it was checked in a particular way, and
21 then if he did what, if anything, did he say to Mr.
22 Ramirez about that?

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1 JUDGE SIPPEL: Well, I thought that you
2 had covered that in your preliminary question earlier.

3 MR. SHOOK: I thought I had too, and that
4 he had acknowledged that he was aware of it. So I'm
5 just trying to now find out whether he expressed
6 anything to Mr. Ramirez one way or the other.

7 JUDGE SIPPEL: So I'm going to overrule
8 the objection.

9 THE WITNESS: After Golden Gate Public
10 Radio filed its challenge, and I became aware of that
11 from speaking in conversation with Jeff Ramirez, I
12 never had a -- I never made a comment to him about
13 that -- whether -- about checking the box or not,
14 whether that was -- about his checking the box in any
15 way. I just operated under the assumption that he had
16 done everything correctly.

17 MR. SHOOK: I move to strike that last
18 sentence.

19 JUDGE SIPPEL: On what basis?

20 MR. SHOOK: It wasn't responsive to my
21 question.

22 JUDGE SIPPEL: I'm going to allow his

1 answer to remain.

2 BY MR. SHOOK:

3 Q Did there ever come a time when you read
4 Section 73.3527 of the Commission's rules as it
5 existed at the time of the 1997 renewal application?

6 A I am not sure what -- I'm not sure what
7 that refers to, so I can't --

8 Q I could give you the book and have you
9 review the Public File rule if you wish. That's what
10 it is, it's the Public File rule.

11 A Okay. And the question was have I -- did
12 I review it in 1997?

13 Q Yes.

14 A In 1997, no. I know I did not review it.

15 Q Had you reviewed the Public File rule at
16 any earlier point in time?

17 A I don't recall reviewing the Public File
18 rule at any time prior to that, either.

19 Q Did there come a time subsequently when
20 you reviewed that rule?

21 A Subsequently to that, just in preparing --
22 just -- I was reminded of this in preparing for the

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1 hearing, that in 2001 I received a fax -- I believe it
2 was a fax, not an email from our attorneys which
3 listed some information, I believe it was from the --
4 an FCC document regarding Public File, what makes up
5 an appropriate Public File and what's supposed to be
6 in it.

7 Q But other than that review in 2001, that's
8 all that you remember at this point in having, in
9 terms of having looked at the FCC Public File rule
10 73.3527?

11 MR. DUNCAN: Objection. Foundation. He
12 said he received it, he didn't indicate he reviewed
13 it. And I also don't know that he's identified it as
14 the FCC Public File rule as Mr. Shook just did.

15 JUDGE SIPPEL: Well, I think they had a
16 dialog going there where he acknowledged -- he said
17 there was a certain point in time that he did not know
18 about the rule.

19 MR. DUNCAN: He saw a document. I think
20 if we're -- if we're going to be talking about whether
21 or not he saw the Public File rule, I think he ought
22 to see the Public File rule, because I'm afraid he's -

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1 - we're talking about very different things.

2 MR. PRICE: There's a number of
3 publications, Your Honor, in the exhibits, which refer
4 to how to handle the Public File requirements, one of
5 which is the official regulation, and there's several
6 reference materials that have been introduced as
7 exhibits, and I think that's the purpose.

8 We just want to verify that what we're
9 talking about is the actual regulation, perhaps put it
10 in front of Mr. Helgeson briefly to resolve that.

11 JUDGE SIPPEL: Well, I don't have any
12 problem with that if we need to do it. I guess we
13 certainly do want to be sure that he's focused on the
14 right document, that --

15 MR. SHOOK: Okay.

16 JUDGE SIPPEL: Okay, what is he being
17 shown, then, Mr. Shook, is it 47 CFR --

18 MR. SHOOK: Seventy-three point three five
19 two seven, effective October 1, 1996.

20 MR. DUNCAN: Mr. Shook, we have the email
21 to which he referred if you want to show him that.

22 MR. SHOOK: That would be next.

1 JUDGE SIPPEL: All right, are you finished
2 looking over that rule?

3 THE WITNESS: I've seen this rule in the
4 book here. Yes.

5 BY MR. SHOOK:

6 Q Now, the next document I want to bring to
7 your attention is EB Exhibit 18.

8 JUDGE SIPPEL: EB Exhibit --

9 MR. SHOOK: Eighteen.

10 BY MR. SHOOK:

11 Q Mr. Helgeson, you've been forced to look
12 at two versions of FCC Rule 73.3527. With respect to
13 the first version of that rule that you've looked at,
14 which appears in the book that is in front of you,
15 that rule is effective October 1, 1996. Is today the
16 first time that you're reading that rule?

17 A I don't recall reading this rule previous
18 -- or, I didn't read the whole -- at this time, I will
19 say that I did not go through and actually read each
20 line of this. I don't recall reading it prior, or
21 seeing this prior to this in this book form regarding
22 the Public File.

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1 Q Now, with respect to Enforcement Bureau
2 Exhibit 18, there was an email that you testified
3 about that you received from the Ernest Sanchez Law
4 Firm, and it appears that, as part of that email,
5 there was the 2001 version of FCC Rule 73.3527. Did
6 you receive this email?

7 A I don't recall receiving it at this point,
8 but I -- it looks like I did receive it, I would say.

9 Q Isn't this the email that you just
10 referred to you in your testimony?

11 A Yes, I believe this is it, yes. I think
12 I reviewed, in preparing for the hearing today I
13 certainly reviewed; this seems to be one of the things
14 that I reviewed. Although I thought was -- actually
15 I thought it was another one.

16 Q There may be other ones, but --

17 A Okay.

18 Q This is the first one I could get my hands
19 on.

20 A Oh, okay. All right. Thank you. Okay.

21 Q Did you read the rule 73.3527 on or about
22 March 7, 2001?

1 A In 2001 I certainly reviewed this with our
2 attorneys and asked them to -- if there was anything
3 specific I should be -- if they had any guidance for
4 me regarding it.

5 Q Now, I want to refer you to some materials
6 that came from the Sanchez Law Firm office, and the
7 first set of materials that I'd like you to refer to
8 appear in EB Exhibit 7.

9 A Okay.

10 Q Specifically directing your attention to
11 EB Exhibit 7, page 3.

12 MR. DUNCAN: This volume doesn't have EB
13 7.

14 MS. REPP: Would you, do you have a copy
15 of EB 7?

16 MR. SHOOK: Everybody likes to mark this
17 up.

18 MR. DUNCAN: Oh, you have one?

19 BY MR. SHOOK:

20 Q Now, the focus is going to be on page 3.

21 A Okay.

22 Q Item 2151. Which is for the date October

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1 17, 1997.

2 A I see October 17 here.

3 Q Mr. Helgeson, you'll note that in
4 connection with the October 17 date there is a
5 reference there from the Sanchez Law Firm's listings
6 that on that date Mr. Sanchez reviewed facts for Mr.
7 Ramirez with inventory of Public File. Do you see
8 that?

9 A Yes, I see that.

10 Q On or about October 17, 1997, were you
11 aware of an inventory that had been done of the KALW
12 Public Inspection File?

13 A I would have to say that I don't have any
14 recollection of an inventory of the Public File from
15 October '97.

16 Q Do you have any recollection of an
17 inventory ever having been done of the Public File?

18 A Looking back now I would say other than,
19 that I can recall, is in late February, early March of
20 2001. Out of conversations with our attorneys,
21 Sanchez Law Firm attorneys, I went into the Public
22 File and -- to see, and I don't know if I reviewed the

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1 entire Public File or just particular sections of the
2 Public File, to see what was in there. I know I was,
3 at that time, most interested in looking at the issues
4 and program section of the file.

5 Q But in terms of 1997, you don't recall any
6 inventory of a Public File -- of the Public File.

7 A No, in 1997 I recall Jeff -- I was -- I
8 don't recall doing it or seeing an inventory.

9 Q After the 1997 renewal application for
10 KALW had been sent to the FCC, did there come a time
11 when you became aware that a license challenge might
12 be filed?

13 A After the license renewal documents were
14 submitted, I became aware of the license challenge
15 from Jeff Ramirez after it was filed. Whether -- I
16 don't recall at any time that it might be filed, but
17 only that it, after it was filed I learned of the fact
18 from Jeff.

19 Q Did there come a time when you came to
20 know a person named Jason Lopez?

21 A Jason Lopez came to the radio station in
22 the early '90s, I forget exactly what year, and he

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1 started to be -- he was hired to be one of the as-
2 needed announcers that I spoke of earlier today.

3 Q Did he continue in that role at the
4 station?

5 A He continued in that role at the station
6 for a time, yes.

7 Q What is his current role at the station,
8 if any?

9 A Currently he does not have a role at the
10 station.

11 Q Approximately when did he stop having a
12 role at the station?

13 A Jason was -- Mr. Lopez was producing a
14 radio program, a weekly radio program on KALW, that
15 continued, it was a one hour music program on every --
16 on Friday evenings starting in, I think it was on
17 Friday nights at 11:00 p.m., and it started I believe
18 in 1999, perhaps early 2000. And it continued until
19 late last year. Since that time I don't know that he
20 has any -- as far as I know he has no connection with
21 the station.

22 Q In connection with his radio program that

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1 you just mentioned, was Mr. Lopez's role that an as-
2 needed announcer, or did he have some other role?

3 A In relation to the radio program?

4 Q Yes, sir.

5 A In relation to the radio program, he was
6 what we consider at the station a volunteer producer.
7 So he produced the program each week and delivered it
8 to the radio station, generally on a CD, and that was
9 his connection with the station.

10 Q At what point in time did Mr. Lopez cease
11 being an as-needed announcer for the radio station?

12 A I don't recall the exact date he stopped
13 being a -- he stopped being on the list of people that
14 we would call in case we had openings. I don't recall
15 exactly.

16 Q It was a number of years ago, though?

17 A Yes. I would say a number of years ago.

18 Q Now, with respect to the time when Mr.
19 Lopez was an as-needed announcer, what interaction if
20 any would you have with him?

21 A Like with other as-needed announcers, it
22 would start with generally a phone call if I had a

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1 shift or a number of shifts that I was trying to fill
2 at the station upcoming -- and I would call him up and
3 offer them; I would offer him a shift or a number of
4 shifts, depending. And he would say yes or no. Like
5 any other as-needed announcer.

6 Q What knowledge, if any, did you have as to
7 what Mr. Lopez was doing for gainful employment or
8 income during the period when he was an as-needed
9 announcer?

10 A I don't remember at this time what else he
11 was doing at the time as far as gainful employment.

12 Q Now, did you have an understanding that
13 KALW was Mr. Lopez's main source of income?

14 A I don't remember having that thought, that
15 KALW -- working as needed shifts at KALW was his main
16 source of income, no.

17 Q As a general proposition, what would an
18 as-needed announcer be paid?

19 A Let's see. I know that right now, I'm
20 thinking back, right now the pay rate is about \$21.00
21 an hour, well, that's before deductions and so on. So
22 at that time you'd have to think, depending on when --

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